

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

ALABAMA MUNICIPAL)
INSURANCE CORPORATION,)
)
Garnishor,)
) Case No.: 4:17-CV-0864-VEH
v.)
)
SCOTTSDALE INSURANCE)
COMPANY,)
)
Garnishee.)
)

FINAL ORDER

The case comes before the Court on the Cross-Motions for Summary Judgment filed by Alabama Municipal Insurance Corporation (“AMIC”) (doc. 21) and Scottsdale Insurance Company (“Scottsdale”) (doc. 22). In accordance with the Memorandum Opinion entered contemporaneously herewith, it is hereby **ORDERED, ADJUDGED, and DECREED** as follows:

1. Scottsdale’s motion is **GRANTED**, and AMIC’s motion is **DENIED**.
2. Summary Judgment is hereby **GRANTED** in favor of Scottsdale and against AMIC.
3. The Court holds that, regarding the conduct which gave rise to the liability in the

underlying state court action, coverage pursuant to the commercial general liability insurance (policy no. CPS2362764) issued by Scottsdale Insurance Company to “Timothy Phifer d/b/a Phoenix Services of Alabama” is **EXCLUDED** pursuant to the “Damage to Property” exclusion set forth therein at paragraphs 2.j.(3) and 2.j.(4). Accordingly:

- A. Scottsdale is not now, was not when it received the Writ of Garnishment, and was not during the intervening time, indebted to Timothy Manley Phifer (“Phifer”), the Timothy Manley Phifer Trust (“the Phifer Trust”), or Phoenix Services of Alabama, LLC (“Phoenix”).
- B. Scottsdale will not be indebted to defendants Phifer, the Phifer Trust, or Phoenix in the future by existing contract.
- C. Scottsdale is not by existing contract liable to defendants Phifer, the Phifer Trust, or Phoenix for the delivery of any personal property, or for the payment of money.
- D. Scottsdale does not have in its possession or control, money or effects belonging to defendants Phifer, the Phifer Trust, or Phoenix.

4. The garnishment served upon Scottsdale is hereby **QUASHED**.
5. This case is now **CLOSED**.

DONE and **ORDERED** this 8th day of November, 2017.



VIRGINIA EMERSON HOPKINS

United States District Judge